

1 KATHLEEN MAYLIN (SBN (SBN 155371)  
2 CARA CHING-SENAHA (SBN 298467)  
3 JACKSON LEWIS LLP  
4 199 Fremont Street, 10th Floor  
5 San Francisco, California 94105  
6 Telephone: (415) 394-9400  
7 Facsimile: (415) 394-9401  
8  
9 Attorneys for Defendants  
10 NATIONAL RAILROAD PASSENGER  
11 CORPORATION dba AMTRAK and JOE DEELY

12 UNITED STATES DISTRICT COURT  
13  
14 NORTHERN DISTRICT OF CALIFORNIA

15 JOHN EARL CAMPBELL,

16 Plaintiff,

17 v.

18 NATIONAL RAILROAD PASSENGER  
19 CORPORATION dba AMTRAK, JOE DEELY,  
20 and DOES 1-15, inclusive,

21 Defendants.

Case No. C05-05434 MJJ

**DECLARATION OF CARA CHING-  
SENAHA IN SUPPORT OF  
DEFENDANTS' NATIONAL  
RAILROAD PASSENGER  
CORPORATION'S AND JOE DEELY'S  
MOTION FOR SUMMARY  
JUDGMENT, OR IN THE  
ALTERNATIVE, SUMMARY  
ADJUDICATION**

[Notice of Motion, Memorandum of Points  
and Authorities, and Declarations in  
Support of Motion concurrently filed]

Date: May 8, 2007  
Time: 9:30 a.m.  
Courtroom: 11  
Floor: 19  
Judge: The Hon. Martin J. Jenkins

Complaint Filed: 12/30/05  
FAC Filed: 2/23/06  
Trial Date: 7/23/2007

[Fed.R.Civ.Proc. 56]

22 I, Cara Ching-Senaha, declare on the basis of personal knowledge:

23 1. I am an attorney with the law firm of Jackson Lewis LLP, counsel of record for  
24 Defendants NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK and JOE

1 DEELY. I am licensed to practice law in the above-referenced district court. I make the  
2 following statements based on personal knowledge.

3 2. I have reviewed in its entirety the transcript for Mr. John Campbell's deposition,  
4 taken February 26, 2007. Attached hereto as Exhibit A are true and correct copies of select pages  
5 from Mr. Campbell's deposition and select deposition exhibits, as referenced in Defendants'  
6 Memorandum of Points and Authorities.

7 3. I have reviewed in its entirety the transcript for Susan Venturelli's deposition,  
8 taken March 23, 2007. Attached hereto as Exhibit B are true and correct copies of select pages  
9 from Ms. Venturelli's deposition, as referenced in Defendants' Memorandum of Points and  
10 Authorities.

11 4. I have reviewed in its entirety the transcript for Joseph Deely's deposition, taken  
12 February 15, 2007. Attached hereto as Exhibit C are true and correct copies of select pages from  
13 Mr. Deely's deposition, as referenced in Defendants' Memorandum of Points and Authorities.

14 Executed this 3<sup>rd</sup> day of April, 2007 in San Francisco, California. I declare under penalty  
15 of perjury under the laws of California and the United States of America that the foregoing is true  
16 and correct.

17  
18   
19 CARA CHING-SENAHA  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 instruct the witness again.

05:50:04

2 You have to filter it. Do not answer --  
3 disclose any conversations or information that you've  
4 learned from talking to anyone in my office.

5 THE WITNESS: Okay. The question again?

05:50:18

6 MS. MAYLIN: Q. Sure. Do you have any reason  
7 to believe, Mr. Campbell, that the fact that you filed  
8 an EEOC charge in January '04 had any bearing on  
9 Amtrak's decision to terminate you in September '04?

10 MS. PRICE: Same objections.

05:50:38

11 THE WITNESS: Coincident, maybe.

12 MS. MAYLIN: Q. Okay. Other than your  
13 feeling that it's coincidence, any other reason?

14 A. Nothing I can prove.

15 Q. Well, is there anything you can talk about  
16 other than just your feeling that there might be some  
17 connection?

05:50:53

18 A. I can say, word through the grapevine is  
19 Mr. Deely did not like me because I was outspoken, and  
20 within months -- two months after I heard that, I was  
21 fired.

05:51:15

22 Q. Okay.

23 A. So...

24 Q. All right. But now let's get back to my  
25 question. I appreciate the information, but back to my

05:51:20

1 question. Do you have any information that there was 05:51:22  
2 any connection between a January '04 EEOC charge and a  
3 September '04 decision to terminate you?

4 MS. PRICE: Same objection.

5 MS. MAYLIN: Q. Other than what you've told 05:51:34  
6 me

7 MS. PRICE: Other than what you've already  
8 testified to, and subject to the same objection.

9 MS. MAYLIN: Right.

10 THE WITNESS: I have no information. 05:51:41

11 MS. MAYLIN: Q. Okay. Same question now, a  
12 little different, do you have any information, sir, that  
13 your race had any bearing on Amtrak's decision to  
14 terminate you in September '04?

15 MS. PRICE: Same objection. Same instruction. 05:52:00

16 THE WITNESS: I compared my record against the  
17 other gentlemen that we talked about earlier, and they  
18 did stuff that caused more and more damage than I got  
19 accused of, and they're still working, so that's my gut  
20 feeling. 05:52:20

21 MS. MAYLIN: Q. Okay. And we're talking  
22 about Ray, Bill, and John?

23 A. Yes.

24 Q. Okay. Other than your belief that Ray, Bill,  
25 and John had more rules infractions than you did, or 05:52:29



1 MS. MAYLIN: Q. Do you know -- 06:23:38

2 MS. PRICE: He is available in ten minutes, so  
3 we'll have to take a break then.

4 MS. MAYLIN: Q. Do you know if Dan Roberts  
5 had ever been issued a 20-day suspension for a rules 06:23:45  
6 infraction?

7 A. Again, I don't know.

8 Q. Do you know if Dan Roberts had a formal  
9 reprimand in his file?

10 A. I do not know. 06:23:56

11 Q. And do you know any of those things about  
12 Alfonso Bell?

13 A. No, I do not.

14 Q. Okay. Okay. If you could go down to page  
15 000919. This August 10, 2004 letter, Mr. Campbell. 06:24:20

16 A. Um-huh.

17 Q. Did you receive that from the Local Committee  
18 of Adjustment?

19 A. Let me read it.

20 Q. Okay. 06:24:37

21 A. (Reviewing document.) Yes, I remember  
22 receiving this.

23 Q. Okay. Sir, do you have any information that  
24 Amtrak considers additional information above and beyond  
25 the ranking after the panel interview? 06:25:34

1 Q. All right. Okay. All right. Sir, you -- 08:03:37  
2 well, in 2000 -- well, we've been talking a little bit  
3 here, sir. Earlier you'd listed three people for me who  
4 you think had equal to or greater than numbers of rules  
5 infractions -- can you -- and yet they were promoted. 08:04:14  
6 Can you recall anyone else, now that we've been talking  
7 for a bit, quite a long bit?

8 A. No.

9 (Whereupon, Defendants' Exhibit No.  
10 31 was marked for identification.) 04:48:10

11 MS. MAYLIN: O. Okay. What I'm attaching now  
12 as Exhibit 31 -- I'm going to bunch these together.  
13 Exhibit 31, Bates-stamped D01794, 95, 96, 97, and 98.  
14 Now, I can't remember if we put this in as '01 or not,  
15 are these all the exhibits? Oh, you've got some here, 08:05:28  
16 too?

17 A. Yes.

18 Q. Let me take a quick look. We may have done  
19 this, and then we can move on. Here we go. 8/6/01.  
20 Yeah. Okay. I think we got that. 08:05:46

21 All right. What I have marked, though, as  
22 Exhibit 31 then -- I'm going to make it a shorter  
23 version -- and that is D01794.

24 Sir, we talked earlier about an '01  
25 application. Was this the posting that you applied for? 08:06:27

1 A. Yes. 08:06:49

2 Q. Okay. If you take a look back at Exhibit 24,  
3 sir, you'll take a look on -- right above your signature  
4 on Bates-stamped D01798, under "Applicant's  
5 Qualifications," it says, "17 years of railroad 08:07:06  
6 experience started in the S.P. track department, coupled  
7 with three years of T&E experience with Amtrak West."  
8 Sir, did you have 17 years of railroad experience in  
9 August '01?

10 A. It was combined with -- not 17, no. 08:07:26

11 Q. Okay. How many years railroad experience did  
12 you have in August '01? I think you had eight years at  
13 the prior job, right?

14 A. Uh-huh. And three years at Amtrak.

15 Q. Okay. So that's 11 years, right? 08:07:50

16 A. Yeah.

17 Q. So you were off by six years; is that true?

18 A. Yeah. Where does it say "17" at?

19 Q. Where does it say that, sir?

20 A. The 17, yes. 08:08:02

21 Q. Here. If you -- here. D01798. You see where  
22 you signed here? Do you see it now?

23 A. Yeah. I think that's more than seven.

24 Q. Okay. Well, in any event, 17 years is not  
25 true, correct? 08:08:28

1 San Francisco, California 94105. 415/624-1300. The  
2 time is 8:32, and we are off the record.

08:31:57

3 (Whereupon, the deposition was concluded at  
4 8:32 p.m.)

5 --oOo--

08:32:09

6 I declare under penalty of perjury that the  
7 foregoing is true and correct. Subscribed at  
8 \_\_\_\_\_, California, this \_\_\_\_ day of  
9 \_\_\_\_\_ 2007.

10 08:32:09

11  
12 \_\_\_\_\_  
13 JOHN EARL CAMPBELL  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



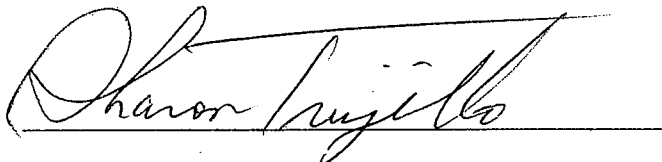
1 CERTIFICATE OF REPORTER

2  
3 I, SHARON TRUJILLO, a Certified Shorthand  
4 Reporter, hereby certify that the witness in the  
5 foregoing deposition was by me duly sworn to tell the  
6 truth, the whole truth, and nothing but the truth in the  
7 within-entitled cause;

8 That said deposition was taken in shorthand by  
9 me, a disinterested person, at the time and place  
10 therein stated, and that the testimony of the said  
11 witness was thereafter reduced to typewriting, by  
12 computer, under my direction and supervision;

13 I further certify that I am not of counsel or  
14 attorney for either or any of the parties to the said  
15 deposition, nor in any way interested in the event of  
16 this cause, and that I am not related to any of the  
17 parties thereto.

18 Dated: March 7, 2007

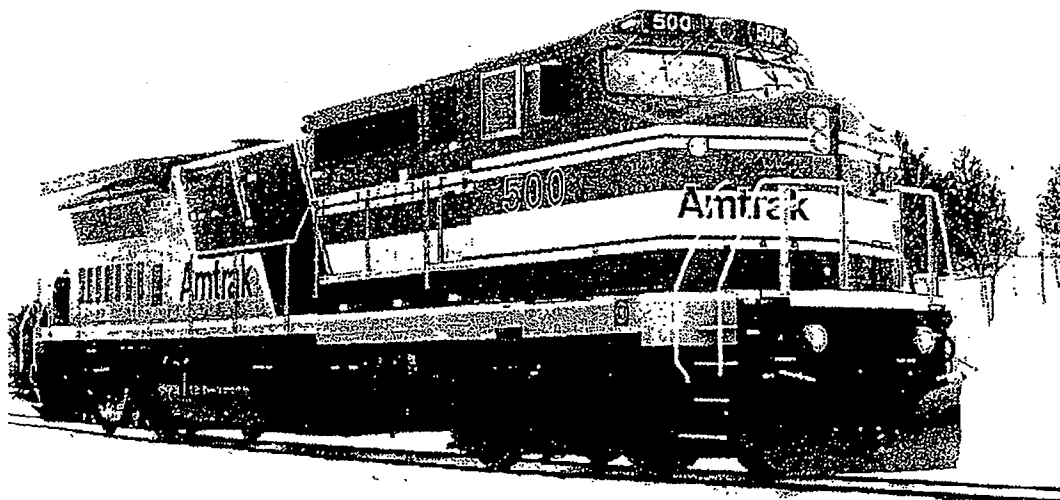
19  
20  
21 

22 SHARON TRUJILLO, CSR No. 6120  
23  
24



## APPLICATION FOR EMPLOYMENT

IT IS THE POLICY OF THE NATIONAL RAILROAD PASSENGER CORPORATION TO PROVIDE EMPLOYMENT, TRAINING, COMPENSATION, PROMOTION AND OTHER CONDITIONS OF EMPLOYMENT IN A MANNER WHICH IS IN ACCORDANCE WITH ALL LEGAL REQUIREMENTS REGARDING RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, DISABILITY, OR VETERAN STATUS.



### Please read carefully. Pre-Employment Statement

I certify that the information contained in this application is correct to the best of my knowledge. I understand that falsification of this information or failure to provide complete and accurate information are grounds for dismissal. I authorize the Employment/Professional/Personal references listed to give you any and all information concerning my previous employment and any pertinent information they may have. I voluntarily give Amtrak the right to make a thorough investigation of my past employment and activities, and I agree to cooperate in such investigation. I release from all liability or responsibility all persons, companies or corporations supplying any information to Amtrak. **NOTE: In accordance with the FAIR CREDIT REPORTING ACT (Pre-Notification),** I understand that as part of Amtrak's procedure for processing my application, an investigative report may be made whereby information is obtained through personal interviews with third parties, such as family members, business associates, financial sources, friends, neighbors, or others with whom I am acquainted. I understand that my employment with Amtrak is conditioned on successfully passing a physical examination, which will include a test to detect the presence of drugs and/or alcohol, and any future physical examinations as may be required by the Company. In consideration of my employment, I agree, if employed in a non-agreement position, that my employment and compensation can be terminated with or without cause, and with or without notice, at any time, at the option of either the Company or myself. I understand that no representative of Amtrak, other than the President or Assistant Vice President of Personnel, has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to terms of this Pre-Employment Statement, or any Amtrak Policy.

LAST NAME <i>Campbell, John</i>	FIRST <i>John</i>	M.I. <i>E</i>	JOB APPLYING FOR <i>ASST. Conductor</i>	DATE OF APPLICATION <i>8-6-98</i>
------------------------------------	----------------------	------------------	--	--------------------------------------

APPLICANT'S SIGNATURE <i>John Campbell</i>	EXHIBIT <i>2</i> PLT DEFT for Identification WITNESS: <i>J. Campbell</i> DATE: <i>2-26-07</i> SHARON TRUJILLO, CSR 6120	DATE <i>9-1-98</i>
---	---	-----------------------

D10282

EEOC Form 5 (5/01)

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC <b>376-2004-00295</b>	
<b>California Department Of Fair Employment &amp; Housing</b> and EEOC <small>State or local Agency, if any</small>			
Name (Indicate Mr., Ms., Mrs.) <b>Mr. John E. Campbell</b>		Home Phone No. (Incl Area Code) <b>(510) 632-4260</b>	Date of Birth <b>11-20-1961</b>
Street Address <b>2210-109th Avenue, Oakland, CA 94603</b>		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>AMTRAK</b>		No. Employees, Members <b>Under 15</b>	Phone No. (Include Area Code) <b>(415) 591-7839</b>
Street Address <b>5th and Townsend, San Francisco, CA 94111</b>		City, State and ZIP Code <b>1851 8th St. Bldg A. OAK-94106</b>	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest    Latest <b>01-08-2004    01-08-2004</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p style="text-align: center;"><b>"Hired in OAKLAND"</b></p> <p>I was hired in 1998 and am a Conductor in the San Francisco, California crew base. In November 2003 I faxed my application for Engineer to Respondent's Human Resources office in Los Angeles. Interviews were held in December 2003, but I was not called. I learned on or about January 8, 2004 that the selectees were Jason Garmon and Michael Poirier, both Caucasian.</p> <p>I am senior to both selectees and believe I am better qualified for promotion. To the best of my knowledge and belief, Respondent has not promoted any Black employee to Engineer since 1998.</p> <p>I believe I have been discriminated against because of my race, Black, in violation of the statute.</p>			
EXHIBIT <b>3</b> <small>PLT DEPT for identification</small> WITNESS: <b>J. Campbell</b> DATE: <b>2-26-07</b> SHARON TRUJILLO, CSR 6120		<b>RECEIVED</b> <b>FEB 09 2004</b> EEOC - OLO	
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
x <b>1-28-04</b> x <b>John E. Campbell</b> <small>Date Charging Party Signature</small>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small>	

D09919

Please list all employment starting with your present or most recent employer. Add relevant voluntary and/or part-time work experience. Use additional sheet(s) if necessary.

PRESENT COMPANY			
STREET ADDRESS 1338 S Rowan Ave		CITY LOS ANGELES	STATE CA
DATES EMPLOYED FROM 5-98 TO PRESENT		SUPERVISOR'S NAME CORRINE THOMPSON	
TELEPHONE NO. '800' 444-0471		YOUR JOB TITLE TRUCK DRIVER	PRESENT SALARY 10.00 p. H.
MAJOR DUTIES: DRIVING & DELIVERING AROUND THE BAY AREA			
WHY DO YOU WISH TO CHANGE? BENEFITS & A Bump in PAY.			
MAY WE CONTACT THE ABOVE NOW? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> IF NOT, WHEN?			
PRIOR COMPANY			
STREET ADDRESS 8000 Edgewater Drive		CITY OAKLAND, CA	STATE CA
DATES EMPLOYED FROM 4-97 TO PRESENT		SUPERVISOR'S NAME MARCELO VASQUEZ	
TELEPHONE NO. '510' 639-1331		YOUR JOB TITLE CARE-GIVER	SALARY 5.75 p. HOUR
MAJOR DUTIES: CARE FOR THE DISABLE			
REASON FOR LEAVING STILL WITH THEM			
PRIOR COMPANY			
STREET ADDRESS 1226 6th St.		CITY SAN FRANCISCO	STATE CA
DATES EMPLOYED FROM 3-92 TO 4-97		SUPERVISOR'S NAME MIKE GOODMAN	
TELEPHONE NO. ( )		YOUR JOB TITLE COURIER	SALARY 6.75 p. H.
MAJOR DUTIES: delivered inter-office mail through-out Nor-Cal.			
REASON FOR LEAVING: Company went Bankrupt.			
PRIOR COMPANY			
STREET ADDRESS 1357 St Ave		CITY Oakland	STATE CA
DATES EMPLOYED FROM 5-84 TO 2-92		SUPERVISOR'S NAME JIM SMITH	
TELEPHONE NO. '510' 891-7759		YOUR JOB TITLE MACHINE OPERATOR	SALARY 14.95 p. H.
MAJOR DUTIES: MAINTAIN & REPAIR RAILROAD RIGHT-OF-WAY			
REASON FOR LEAVING: Furlough			

D10284



DO YOU HAVE ANY RELATIVES EMPLOYED ☒ AMTRAK? YES ☐ NO ☒

A RELATIVE IS A:

MOTHER, FATHER, MOTHER-IN-LAW, FATHER-IN-LAW, HUSBAND, WIFE, SON, DAUGHTER, SON-IN-LAW, DAUGHTER-IN-LAW, GRANDPARENT, GRANDCHILD, BROTHER, SISTER, BROTHER-IN-LAW, SISTER-IN-LAW, AUNT, UNCLE, NIECE, NEPHEW, STEPPARENT, STEPCHILD OF AN EMPLOYEE OR AN EMPLOYEE'S SPOUSE

IF YES, PLEASE LIST:

NAME	RELATIONSHIP	POSITION	LOCATION

## PROFESSIONAL/PERSONAL REFERENCES

NAME <b>ZEIWA LOLLIE</b>	ADDRESS <b>305 N. ALVIN BASTROP, LA 71220</b>	TELEPHONE NO. <b>318-281-2677</b>
		OCCUPATION <b>MOTEL MANAGER</b>
NAME <b>CORNELL THOMPSON DEW TRANS</b>	ADDRESS <b>1338 S. ROWAN AVE LOS ANGELES, CA 90033</b>	TELEPHONE NO. <b>(800) 444-0471</b>
		OCCUPATION <b>DISPATCHER</b>
NAME <b>WADE HENDERSON</b>	ADDRESS <b>8823 d. ST. OAKLAND, CA</b>	TELEPHONE NO. <b>(510) 636-6344</b>
		OCCUPATION <b>CITY WORKER</b>

## HAVE YOU EVER:

BEEN CONVICTED OF A CRIME WHICH HAS NOT BEEN EXPUNGED OR REMOVE FROM YOUR RECORD? ☐ YES ☒ NO

BEEN DISCIPLINED OR DISCHARGED FOR ABSENTEEISM, TARDINESS, FAILURE TO NOTIFY YOUR COMPANY WHEN ABSENT, OR ANY OTHER ATTENDANCE-RELATED REASON? ☐ YES ☒ NO

BEEN DISCIPLINED OR DISCHARGED FOR THEFT, UNAUTHORIZED REMOVAL OF COMPANY PROPERTY, OR RELATED OFFENSES? ☐ YES ☒ NO

BEEN DISCIPLINED OR DISCHARGED FOR FIGHTING, ASSAULT, OR RELATED OFFENSES? ☐ YES ☒ NO

BEEN DISCIPLINED OR DISCHARGED FOR INSUBORDINATION? ☐ YES ☒ NO

BEEN DISCIPLINED OR DISCHARGED FOR POSSESSION OR USE OF ALCOHOL OR DRUGS AT WORK? ☐ YES ☒ NO

BEEN TERMINATED OR ASKED TO RESIGN FROM EMPLOYMENT FOR ANY REASON? ☐ YES ☒ NO

IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, PLEASE EXPLAIN.

D10285

PLEASE DESCRIBE ANY OTHER EXPERIENCES, SKILLS, LANGUAGES OR QUALIFICATIONS WHICH YOU CONSIDER RELEVANT TO YOUR ABILITY TO PERFORM THE JOB FOR WHICH YOU ARE APPLYING

**Prior Railroad Exp Know about D.T.C. TRACK WARRANTS, WHEN A SWITCH IS PROPERLY LINED, HOW TO COUPLE-UNCUPLE CAR, CAN OPERATE A LOCOMOTIVE.**

EEOC Form 5 (5/01)

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: _____ Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC <span style="float: right;">376-2004-00295</span>	
<b>California Department Of Fair Employment &amp; Housing</b> and EEOC <small>State or local Agency, if any</small>			
Name (Indicate Mr., Ms., Mrs.) <b>Mr. John E. Campbell</b>		Home Phone No. (Ind Area Code) <b>(510) 632-4260</b>	Date of Birth <b>11-20-1961</b>
Street Address <b>2210-109th Avenue, Oakland, CA 94603</b>			
City, State and ZIP Code <b>2210-109th Avenue, Oakland, CA 94603</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>AMTRAK</b>		No. Employees, Members <b>Under 15</b>	Phone No. (Include Area Code) <b>(415) 591-7839</b>
Street Address <b>5th and Townsend, San Francisco, CA 94111</b>			
City, State and ZIP Code <b>1851 8th St. Bldg A. OAK-94606</b>			
Name <b>5th and Townsend, San Francisco, CA 94111</b>		No. Employees, Members <b>Under 15</b>	Phone No. (Include Area Code) <b>(415) 591-7839</b>
Street Address <b>5th and Townsend, San Francisco, CA 94111</b>			
City, State and ZIP Code <b>1851 8th St. Bldg A. OAK-94606</b>			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest    Latest <b>01-08-2004    01-08-2004</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)). <div style="text-align: center; font-style: italic; font-size: 1.2em;">"Hired in OAKLAND"</div> <p>I was hired in 1998 and am a Conductor in the San Francisco, California crew base. In November 2003 I faxed my application for Engineer to Respondent's Human Resources office in Los Angeles. Interviews were held in December 2003, but I was not called. I learned on or about January 8, 2004 that the selectees were Jason Garmon and Michael Poirier, both Caucasian.</p> <p>I am senior to both selectees and believe I am better qualified for promotion. To the best of my knowledge and belief, Respondent has not promoted any Black employee to Engineer since 1998.</p> <p>I believe I have been discriminated against because of my race, Black, in violation of the statute.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
I declare under penalty of perjury that the above is true and correct.		RECEIVED FEB 09 2004 EEOC - OLO	
Date <b>1-28-04</b> x <b>John E. Campbell</b> x Charging Party Signature		SHARON TRUJILLO, CBR 6120	

D09919

EEOC Form 161-B (3/98)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: John E. Campbell  
2210 109th Avenue  
Oakland, CA 94603

From: Oakland Local Office  
1301 Clay Street  
Suite 1170-N  
Oakland, CA 94612

☐ On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
376-2004-00295	Julian F. Melendres, Investigator Support Asst	(510) 637-3242

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☒ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosure(s)

*Joyce A. Hendy*  
Joyce A. Hendy,  
Director

*10/15/04*  
(Date Mailed)

cc: Elias Munoz  
EEO Compliance Manager  
NATIONAL RR PASSENGER COR

EXHIBIT	PLT DEFT	4	for identification
WITNESS:	<i>J. Campbell</i>		
DATE:	<i>2-26-07</i>		
SHARON TRUJILLO, CSR #120			

000008

## \*\*\* EMPLOYMENT \*\*\*

COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
AIR EMPLOYMENT AND HOUSING ACT

DEFEH #

E-200506-M-0250-00-c

DEFEH USE ONLY

## CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.) JOHN EARL CAMPBELL TELEPHONE NUMBER (INCLUDE AREA CODE) 510-632-4266ADDRESS 2210 109TH AVE.CITY/STATE/ZIP OAKLAND CA 94603 COUNTY Alameda COUNTY CODENAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP  
COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:NAME Amtrak TELEPHONE NUMBER (Include Area Code)ADDRESS 5040 WATER ST. STE FLOOR DEFEH USE ONLYCITY/STATE/ZIP OAKLAND CA COUNTY 94607 COUNTY CODEI. OF EMPLOYEES/MEMBERS (if known) DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year) RESPONDENT CODE

## E PARTICULARS ARE:

n SEPT. 17, 2004 I was ☒ fired ☐ denied employment ☐ denied family or medical leave  
☐ laid off ☐ denied promotion ☐ denied pregnancy leave  
☐ demoted ☐ denied transfer ☐ denied equal pay  
☐ harassed ☐ denied accommodation ☐ denied right to wear pants  
☐ genetic characteristics testing ☐ impermissible non-job-related inquiry ☐ denied pregnancy accommodation  
☐ forced to quit ☐ other (specify)

Name of Person JOE DEELYJob Title (supervisor/manager/personnel director/etc.) DIVISION SUPT.

because of my: ☐ sex ☐ national origin/ancestry ☐ physical disability ☐ cancer  
☐ age ☐ marital status ☐ mental disability ☐ genetic characteristic  
☒ religion ☐ sexual orientation ☐ other (specify)  
☐ race/color ☐ association

(Circle one) filing:  
Protesting; participating in  
investigation (retaliation for)

a reason given by JOE DEELY - DIVISION SUPT.  
 Name of Person and Job Title

was RETALIATION FOR FILING AN EEOC DISCRIMINATION  
 because of COMPLAIN AGAINST AMTRAK FOR NOT PROMOTING  
 please state BLACKS TO THE ENGINEER POSITION IN OAKLAND  
 that you BLA  
 believe to be BLACKS TO THE ENGINEER POSITION IN OAKLAND  
 reason(s) BLA

to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue notice. I understand that if I  
 a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the  
 H "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair  
 Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

I am under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to  
 matters stated on my information and belief, and as to those matters I believe it to be true.

DATE 8-16-05  
OAKLAND  
 City

COMPLAINANT'S SIGNATURE

EXHIBIT	PLT	5
DEFT		for identification
WITNESS:	<u>J. Campbell</u>	
DATE:	<u>2-26-07</u>	
SHARON TRUJILLO, CSR 6120		

REC

DATE FILED: 08/17/05 AUG 17 2005

000015

STATE OF CALIFORNIA



STATE OF CALIFORNIA - STATE AND CONSUMER SERVICE AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1515 Clay Street, Suite 701, Oakland, CA 94612-2512  
(510) 622-2941 TTY (800) 700-2320 Fax (510) 622-2951  
www.dfeh.ca.gov



August 29, 2005

JOHN EARL CAMPBELL  
2210 109th Avenue  
Oakland, CA 94603

RE: E200506M0250-00-c  
CAMPBELL/AMTRAK

Dear JOHN EARL CAMPBELL:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective August 17, 2005 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

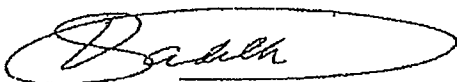
EXHIBIT	PLT (DEPT.)	6
for identification		
WITNESS:	J. Campbell	
DATE:	2-26-07	
SHARON TRUJILLO, CSR 6120		

EXHIBIT A

Notice of Case Closure  
Page Two

The Department of Fair Employment and Housing does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in black ink, enclosed within an oval. The signature appears to be "D. Padilla".

Dorothy Padilla  
District Administrator

cc: Case File

EEO Representative  
Human Resource Department  
AMTRAK  
5041 Water Street 5th Fl  
Oakland, CA 94607

DFEH-200-43 (04/03)

## NEW-HIRE CHECKLIST - AGREEMENT COVERED POSITION

YES	NO	N/A	
(✓)	( )	( )	NRPC 2525 STANDARDS OF EXCELLENCE
( )	(✓)	( )	HEALTH & WELFARE BENEFITS - AMPLAN
(✓)	( )	( )	NATIONAL DENTAL PLAN - AETNA GP12000
(✓)	( )	( )	BUSINESS TRAVEL ACCIDENT INSURANCE (CG0386430-06)
( )	(✓)	( )	APPLICABLE LABOR AGREEMENT:
(✓)	( )	( )	EEO INTERNAL COMPLAINT PROCEDURES HANDOUT
(✓)	(✓)	( )	AFFIRMATIVE ACTION PROGRAM
(✓)	( )	( )	EQUAL EMPLOYMENT OPPORTUNITY POLICY
(✓)	( )	( )	ATTENDANCE POLICY
(✓)	( )	( )	FEDERAL/STATE W4 FORMS
(✓)	( )	( )	EMPLOYEE INFORMATION FORM - NRPC 2001
( )	( )	( )	AUTHORIZATION FOR DIRECT DEPOSIT - NRPC 2032
(✓)	( )	( )	SAVINGS BOND APPLICATION FORM
(✓)	( )	( )	EMPLOYEE ASSISTANCE PROGRAM BOOKLET
(✓)	( )	( )	EDUCATIONAL ASSISTANCE POLICY
(✓)	( )	( )	RAILROAD RETIREMENT & SURVIVOR BENEFITS BOOKLET
(✓)	( )	( )	EMPLOYEE ELIGIBILITY VERIFICATION (INS FORM - I-9)
(✓)	( )	( )	SEXUAL HARASSMENT INFORMATION
(✓)	( )	( )	FLASH PASS

EXHIBIT	DATE: 9-30-98
	WITNESS: J. Campbell
DATE: 2-26-07	SHARON TRUJILLO, CSR 6120

DATE: 9-30-98 SIGNATURE: ~~John Earl Campbell~~ - John Earl Campbell

SS #: 434-21-6810 NAME: John Earl Campbell  
(PLEASE PRINT)

POSITION: ASST. Conductor

D10275

PERSONNEL DEPARTMENT REPRESENTATIVE: Denise H. Sargeant

## Receipt

My signature indicates that I have received a copy of the *Service Standards Reference Manual for Train Service and On-Board Service Employees*. I understand that I am responsible for reading and updating my manual and that I must follow the procedures outlined. I also understand that this receipt will be placed in my personnel file.

Name: John Campbell  
(please/print)

Signature: J. Campbell

Date: 3-14-07

Issuing Location: OAKLAND

Service Standards Manual No. 2

EXHIBIT	PLT. 11 DEPT. for identification
WITNESS:	<u>J. Campbell</u>
DATE:	<u>2-26-07</u>
SHARON TRUJILLO, CSR 6120	

D10498



## ACKNOWLEDGEMENT OF RECEIPT OF AMTRAK STANDARDS OF EXCELLENCE

I have received a copy of the booklet entitled "Amtrak Standards of Excellence."  
I understand that I should read the booklet carefully and that I will be expected to  
follow the standards of excellence outlined in it. I understand that failure to follow  
these standards will result in appropriate corrective or disciplinary action.

Employee Signature: John Earl Campbell

Print Name: JOHN EARL CAMPBELL

Date: 9-30-98

Signature of Company Representative: Denise H. Sargeant

Print name: DENISE H. SARGEANT

Date: 9/30/98

Please detach this form and give to company representative for your employee file.

11

<b>EXHIBIT</b>	12	<small>PLT DEPT.</small>
<small>for identification</small>		
<u>J. Campbell</u>		
<u>2-26-07</u>		
<small>SHARON TRUJILLO, CSR 6120</small>		

D10292

U.S. DEPARTMENT OF JUSTICE

CRIMINAL DIVISION

U.S. DEPARTMENT OF JUSTICE



National Railroad Passenger Corporation, California Corridor, 1851-A 5th Street, Oakland, CA 94607

## WAIVER OF RIGHT TO FORMAL INVESTIGATION

Date: April 12, 2000

I hereby waive my right to the Formal Investigation originally scheduled for April 12, 2000, 2:00 p.m., at Mechanical Facility, 250 Wood St., Oakland, California in connection with the following:

**Charges:** "Your alleged failure to follow the General Code of Operating Rules, Third Edition, 1.1.3, 6.28, 7.1, 7.3, & 7.5; Safety rule: 5316(e); and AMT-3 rule 16.2.2.

**Specifications:** Damage to equipment during the 11PM yard assignment of March 24, 2000. Damage to the cables occurred when 8804 was cut from car 8030 on 2 track. And further damage was done when 8804 was moved to 8 track. The 8027 and 8020 were in the 8 track. The 8020 was shoved into the 8027 by the move of the 8804. Damages were unreported.

I further hereby agree to accept the following discipline assessed by the National Railroad Passenger Corporation:

A letter of reprimand will be issued to you and placed in your file.

John Campbell  
Employee Name (Print)

*John Campbell*  
Employee Signature

4-13-00  
Date

*[Signature]*  
Witness Signature

4-13-00  
Witness Signature

Cc: B. Barnes  
R. A. Wood  
Roger Butler - File # 0161.00  
R. Belloumini-UTU Local Chairman

EXHIBIT	PLT DEPT.	13
for identification		
WITNESS:	<u>J. Campbell</u>	
DATE:	<u>2-26-07</u>	
SHARON TRUJILLO, CSR 0120		

National Railroad Passenger Corporation, Law Department, 344 Mira Loma Avenue, Glendale, California 91204

**DECISION**



March 28, 2002  
File #LAX-UTU-02/DISC  
Case #019.02

FedEx Tracking #8313 2752 9178

Mr. John Campbell  
2210 109<sup>th</sup> Avenue  
Oakland, CA 94603

EXHIBIT	FLL DEPT.	14
for identification		
WITNESS:	J. Campbell	
DATE:	2-26-07	
SHARON TRUJILLO, CSR 6120		

Dear Mr. Campbell:

By letter, dated January 17, 2002, you were charged with the following misconduct:

**Charge 1:** Your alleged violation of the General Code of Operating - Fourth Edition - April 2, 2000 - Rule 6.28 - Movement on Other than Main Track, which reads, "Except when moving on a track where a block system is in effect, trains or engines must move at a speed that allows them to stop within half the range of vision short of:

- ♦ Train.
- ♦ Engine.
- ♦ Railroad car.
- ♦ Men or equipment fouling the track.
- ♦ Stop Signal or Derail or switch lined improperly."

**Charge 2:** Your alleged violation of the General Code of Operating Rules - Fourth Edition - April 2, 2000 - Rule 7.1, Switching Safely and Efficiently, which reads in part... "While switching, employees must work safely and efficiently and avoid damage to contents of cars, equipment, structures, or other property."

**Charge 3:** Your alleged violation of the General Code of Operation Rules - Fourth Edition - April 2, 2000 - Rule 7.4 Precautions for Coupling or Moving Cars or Engines, which reads "Before coupling to or moving cars or engines, verify that the cars or engines are properly secured and can be coupled and moved safely.

Make couplings at a speed of not more than 4 MPH. Stretch the slack to ensure that all couplings are made."

**Charge 4:** Your alleged violation of the General Code of Operation Rules - Fourth Edition - April 2, 2000 - Rule 7.12 Movements into Spur Tracks, which reads in part... "When shoving into a spur track, control movement to prevent damage at the end of track..."

EXHIBIT D

Decision Letter  
Mr. John Campbell  
Case #019.02  
Page Two

**Specifications:** It is alleged that while working as the Conductor on Yard Job CYO-4 on January 10, 2002, while shoving into Fume track in the Oakland yard with 17 cars and 3 units, you were directing the movement when an alleged hard coupling resulted in equipment damage and the derailment of a boxcar.

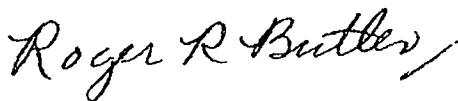
After one postponement, the Hearing Officer conducted a disciplinary investigation into the above-quoted charges. The investigation was conducted on March 15, 2002, in which your representative were in attendance. The following findings are based on the evidence and testimony presented at the investigation:

The rule cited was in effect and applicable to you at the time of the alleged wrongdoing, as it is applicable to all Amtrak employees in your job category.

The charges were sustained primarily, although not exclusively, by your own testimony and omission, and the testimony of Mr. Sid Birckett.

Based on the foregoing findings and the hearing record as a whole, I find that you are guilty of the above-quoted charges. The transcript of the aforementioned investigation will be forthcoming per the agreement with the union.

Sincerely,



Roger R. Butler  
Hearing Officer  
Western Region